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Executive Department Ala
Tus Kaloosa January 11th 1828.

His Excellency
Henry Johnson
Governor of the State
of Louisiana.

Sir.

Whereas Stitt Evans of Greene County and State of Alabama has made an affidavit, a duly authenticated copy of which is herewith transmitted, that a certain Thomas C. H. Gantt did feloniously take and carry away a certain negro man slave of the name of Bob the property of Stitt Evans of the County of Greene in this State & did also steal & carry away two horses, a saddle & Bridle from Greene County aforesaid in this State on or about the 27th day October last, as will more fully appear by reference to the affidavit and that the said Thomas C H Gantt has fled from the justice of this State, and is suspected to be now within the limits of the State of Alabama & confined in the goal of the City of New Orleans. Now therefore in pursuance of the act of congress for such cases made and provided, I do hereby demand of your Excellency the said Thomas C H Gantt if to be found within the limits of the State over which you preside, that he may be brought to Green County in this State to stand his trial according to Law. And I do hereby appoint & authorize the said Stitt Evans and Benjamin Gorman agents on the part of this State to receive from the authorities of the State of Louisiana the said Thomas C H. Gantt, that he may be conveyed to Greene County in this State to answer for the offence with which he is charged.

In testimony whereof I have hereunto set my hand and affixed the seal of the State this 15th day of January in the year of our Lord 1828 and fifty second year of the Independence of the United States of America

John Murphy

100

Executive Department Alabama

Tuskaloosa January 11th 1828

Be it Known to all whom it may Concern that in pursuance of the Act of Congress passed the 12th day of February in the year of our Lord 1793. entitled "An act respecting fugitives from justice and prisoners escaping from the service of their Masters" I have demanded of the Executive authority of the State of Louisiana the body of Thomas C. H. Sartt charged with having feloniously a Negro man Slave Stealing 2 horses &c in the County of Greene in this State and have authorized and appointed Stith Evans and Benjamin Dorman of said County as the Agents on the part of this State to receive from the Executive authority of the State of Louisiana the said Thomas C. H. Sartt and Convey him to the County of Greene aforesaid in this State, that he may be tried for the Offence with which he stands charged.

Now therefore I do hereby Caution and forwarn all persons within the limits of the United States in any wise to hinder or molest the said Stith Evans & Benjamin Dorman or either of them as agents of this State in conveying the said Thomas C. H. Sartt to the Sheriff of Greene County, as they shall answer for it at their peril. And I do hereby Command and enjoin all the Magistrates Citizens of this State to aid and assist the said Stith Evans and Benjamin Dorman the Agents aforesaid should there be any necessity for it in Conveying the said Thomas C. H. Sartt to the County of Greene aforesaid that he may stand his trial according to law.

In testimony whereof I have hereunto set my hand and affixed the Seal of the State this 11th of January in the year of our Lord 1828, & in the fifty second Year of the Independence of the United States of America

(signed) John Murphy

By the Governor. James L. Thornton Secy of State

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Secretary of State's Office
Tuskaloosa March 25- 1828

Sir.

I have the honor herewith to transmit you the triplicate receipts- inclosed by you on the 3rd inst. agreeably to your request.

The Arms were duly received, and upon inspection are found to be in fine order.

I have the honor to be
very respectfully
Your Obt Servt
James I. Thornton

James R. Butler
Military Store Keeper.
Pittsburgh. Penn.

State of Alabama & by the authority of the same.

John Murphy Governor of said State

To the Sheriff of Madison County, and all other Officers and Magistrates of said State Greeting

Whereas his Excellency Gerard C Brandon Governor of the State of Mississippi in pursuance of the Act of Congress passed the 12th day of February 1793 entitled "an Act respecting fugitives from Justice and persons escaping from the Service of their Masters" has demanded of the Executive authority of this State, a certain Victor Clamfitt against whom a Bill of Indictment was found in Williamson County in the State of Mississippi for negro stealing, which is felony by the laws of the State, and the Governor of said State has authorized George A Foster Esquire as Agent to receive the said Clamfitt from the authorities of this State and to convey him to the State of Mississippi there to be tried for the offence with which he stands charged according to law.

Now therefore you and each of you respectively are hereby authorized and required to use all due diligence and activity in the apprehension and secure confinement of the said Victor Clamfitt if found to be found in your respective Counties and to detain him the said Clamfitt to the Agent aforesaid of the State of Mississippi or cause him to be secured according to law, that the Agent of the said State may have an opportunity to apply for, and receive him the said

Clamfitt. You will give immediate notice to
107 this Department of the apprehension and
securing the said Clamfitt, and also to the said
agent, who resides at present near or in Florence
in this State.

Given under my hand and the
Seal of the State at Tuskaloosa
this 15th Day of December 1828 &
of the Independence of the U. S. of
America the Forty-third
By the Governor John Murphy
James I. Thornton Sec'y of State

Execution Department
Tuskaloosa Dec 26. 1828.

Be it known to all whom it may concern that in
pursuance of the Act of Congress entitled an Act
respecting fugitives from Justice, and persons escap-
ing from the service of their masters" I have demand-
ed of his Excellency the Governor of the State of Tenne-
see Wm Clifton charged with horse stealing that he
may be conveyed back to the county of Lawrence
in this State to be tried according to law for the
said offence; and I do hereby appoint
the Agent of this State to receive the said
William Clifton from the authorities of the State
of Tennessee, and empower upon all Officers and
Magistrates of this State to assist the said Agent
in conveying the said Clifton to the Sheriff of Law-
rence County aforesaid, and all persons residing
within the limits of the U States, are hereby cau-
tioned and forewarned not to hinder or molest the
said Agent, as they shall answer for it at their
peril.

The Governor of the State
of Tennessee

Given under my hand and
the seal of the State at Tuska-
loosa this 26 Dec 1828 and the
53rd year of the Independence
of the U States of America
By the Gov. John Murphy
James I. Thornton
Sec'y of State

103

State of Alabama
Executive Department
Tuskaloosa Dec 26. 1828.

His Excellency
Sml Houston
Governor of the State
of Tennessee.

Sir. I have the honor to enclose to your Excellency the affidavit of Joseph McDaniel of Lawrence County in this State, that he verily believes that a certain William Clifton did feloniously take or steal a certain bay horse, the property of the affiant, and that the said Clifton has been arrested for said felony in the County of Wealthy and State of Tennessee.

Now therefore in consideration of the premises and in pursuance of the Act of Congress entitled "an Act respecting fugitives from Justice & persons escaping from the service of their Masters" I have the honor to demand of your Excellency that you cause the said William Clifton to be apprehended (if he be not already apprehended) if to be found within the limits of the State over which you preside, and to be delivered to the agent or agents on the part of this State, who may be appointed to receive and convey him to Lawrence County aforesaid that he may be tried according to Law, for the offence with which he stands charged

Given under my hand and the seal of the State at Tuskaloosa this 26th day of Decr 1828, and the fifty-third year of the Independence of the United States of America.

By the Governor. John Murphy
James I. Thornton Secy of State

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Executive Department-
Tuskaloosa Janf 8. 1829.

Lt I. N. Adams

Sir

I have this moment received a communication from Col Bomford of the Ordnance Department of the United States, in relation to the ~~Quota~~ Quota of Arms due to this State up to the 1st January 1828. I am informed that ~~four~~ six pounder pieces of Artillery, with Field Carriages fully equipped, and One Hundred and Sixty Artillery Swords are ordered from Pittsburgh to be delivered at Tuskaloosa in this State. Col Bomford suggested that as I had not designated the place or places in my communications with him on the subject it would be proper to order them to the places where arms formerly apportioned had been delivered but at the same time suggested that by writing to you I could have the distribution changed according as I should desire. I wish two of the Field pieces with 160 Artillery Swords to be delivered at Florence on the Tennessee river, to Capt Wood and Howard, and the other two one at Claiborne to Capt Foster, and the other at Erie to Capt Black. You will greatly oblige me by giving the necessary orders, according to the suggestion of Col Bomfield to have the arms delivered at the foregoing places in this State, as they are wanted at those places. It will be very convenient, and save much expense and trouble. There is a good water communication to all the places above mentioned. I hope your order will reach Pittsburgh before the Arms are forwarded and in such time will not be the least inconvenience to the Ordnance department.

Lt I A Adams
Baton Rouge.

I am very respectfully
your Ob Servt
John Murphy

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Executive Department
Jackson January 30. 1824.

His Excellency.
Gerard C Brandon.
Governor of the State
of Mississippi.

Dear Sir.

I have the pleasure to enclose to you, a certified Copy of the Articles of Agreement in relation to the unsettled accounts between the two States, which were duly executed on my part and returned in my office according to your suggestion in your favour of the 29th of October last. I also have the pleasure to enclose to you a certified Copy of the Act of the Legislature at their last Session assenting and confirming the Agreement which we have made on the part of our respective States. Lest any difficulty might arise from the form of the Act, I have made a quit Claim and release on the part of the State, perhaps a work of supererogation, as the Act authorises me to do should it be thought necessary. I beg to hear from you on this subject when your Legislature act on it. Should you know of any discount and trouble you are coming to this place it would be extreme by sending the Evidences of debt for which a receipt would be given here. But of this we may write hereafter.

I am with great respect & esteem
Your Ob. Servt
Edwd Thornsbury

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Executive Department
Tuskaloosa May 4th 1829

Messrs Prime, Ward & Co

Gentlemen

The General Assembly of this State at their Session in 1827-8 authorized a loan of one hundred thousand dollars to be obtained for the use of the State at a rate of interest not exceeding six per cent, and redeemable in a period of twenty years. It is unnecessary to be more particular at present, as you no doubt recollect the terms of the loan having been an offer of it made to you during the last Spring by the Agent of the State Dr Thomas Casey, who was authorized to negotiate the loan. The Act authorizing it is still in force, and the commissioners appointed under the act would be still willing to effect the loan, if it can be done on such terms as would subserve the interests of the State. Should you be disposed to make the loan to the State, as you have already loaned to it a similar amount, you will have the goodness to write to me, and any information which you may wish. I will fully give you the finances of the State are in a very prosperous condition, and what renders the loan desirable is chiefly the continual withdrawal of our circulating medium through the merchants of the United States. The annual revenue of the State is not short of 80,000 dollars, and its annual exports must be equal to six millions of dollars. I beg leave also to observe, that any arrangement which renders the stock more convenient to the purchasers would be readily made. The State intends that it shall be good stock to whatever capitalists may take it, & would not hesitate to make it as convenient as any other State stock. You will direct your communications to John Z Tindal Esqr President of the Bank of the State of Alabama at Tuskaloosa, or to myself at Claiborne.

I am Gentlemen very respectfully
Your obt servt
John Murphy

Messrs Prime, Ward & Co
New York

Executive Department
The Hon S. D Ingham Tuskaloosa Ala, May 5. 1829
Secretary of the Treasury U.S.

Sir.

I had the pleasure to receive your favor of the 12th of March, early in the last month but being absent from the seat of Government, I had not the means at hand to furnish a full and satisfactory reply. I have now the honor to enclose to you an account of the 3 per cent received from the Government of the United States, on the sale of public lands in this State. You will perceive from the Treasurers Statement, that the entire sum received is sixty eight thousand five hundred and forty six dollars and ninety five cents, of which sum only two thousand one hundred and seventy dollars has been expended in laying out roads, and in the examination of the Tennessee, Coosa, Tallapoosa, and other rivers. In the year 1823 it was thought expedient by the General Assembly to fund the 3 per cent so as to provide for its constant increase until the state might deem it practicable and expedient to commence internal improvements upon a judicious and comprehensive scale. It was distinctly seen, that this money, coming in at intervals by small sums, might be expended upon little and detached operations, producing no sensible benefit to the State, while on the contrary if it were funded, it would augment in a few years to a sum which would materially aid in any general or particular plan of improvement. The 3 per cent was accordingly funded in the State Bank and has already encreased to the sum of $87.994-78 The nett proceeds of the fund since the 1st of November last, when added to the Capital, will make its present value little short of $91.000 - I enclose you an extract from the Charter of the Bank, regulating the future encrease and disposition of the fund, and a Statement of the Cashier of the Bank by which the nature of the operation will be fully and clearly seen

108 The Treasurer of the State, John C Perry Esquire, is especially by law the Agent to receive the amounts which may fall due to the State from the 3 per cent. Heretofore in general the payments have been made at half yearly periods, but some deviation or irregularity which may possibly have led to mistakes or omissions. Will you have the goodness to cause to be furnished to this department a full Statement of the 3 per cent which became due to this State, up to the 1st of January ult, which will be entered of record here, and remove all possible uncertainty on the subject. I hear no doubt the State will shortly begin to apply the nett annual proceeds of this fund, to its legitimate objects as you will perceive that it amounts the last year to $ 9.568.08, and in the mean time its constant and rapid increase will render it still more useful and efficient, when the State shall have matured a system for its beneficial and economical expenditure -

I have the honor to be
Very respectfully
your Ob Servt
John Murphy

The Honble
I C Ingham
Secretary Treasury Department
of the United States
Washington City

Statement of the Three per cent receivable on the nett proceeds of Sales of the Public lands in this State, funded in the Bank of the State of Alabama - including banking dividends made to same.

1825
January 17. amt of said fund this day funded $ 31.595.01
1826
March 1. amt " " " " " " " 10.505.66.
" 22 amt " " " " " " " 12,95-8.28.
" " amt Dividend, or nett proceeds of the funds for the year 1826. this day funded — 5.091.00
1827
Febry 16. amt of said fund this day do.. 5086.23
Nov 23. amt of Dividend, or nett proceeds of the funds for the year 1827 this day funded 6.008.75
1828
January 17. amt of said fund this day do — 1.454.13
Febry 18. amt " " " " " 3.011.58
Nov 10. amt " " " " " 2.314.06
" 26 amt of Dividend, or nett proceeds of the funds for the year 1828 this day funded — 9.568.08.
Total of Three per cent funds funded up to 87.394.38

The 26 Nov 1828. Bank of the State of Alabama
Tuskaloosa 6th Mar 1829.

1829

Executive Department
Tuscaloosa May 3d 1829

To James M House.

Sir

You were commissioned on the 23d of March last as a Justice of the peace for Morgan County. After the Commission was issued to you, it was ascertained that you had been convicted Both upon Your own acknowledgments of an Offence amounting to a misdemeanor and to which the Laws had annexed an ignominious punishment, that of the pillory you were therefore ineligible to the Office for which you have been commissioned, & it is the intention of the Department to revoke the Commission which has been issued to you. There is no wish to give unnecessary publicity to anything which affects your character, nor to deprive you of any right to which you may be entitled If you should think that you have a right to hold the Commission, and will not return it, as you are hereby required to do, it is proper to inform you what steps will probably be taken in the case by this Department. The revocation of the commission will be made known by proclamation, and the Solicitor of the circuit will be required to institute proceedings by Quo Warranto or by a writ in the nature of a Quo Warranto, to determine whether or not you are entitled to hold the Office. This duty is a painful one, and the discharge of it is not intended to offend you as an individual but to preserve the purity and honor of Offices which are entitled to the confidence of the people and which the Constitution and Laws of the State have carefully regulated. You have incurred a disability at least in the opinion of this Department which has not been legally removed and you cannot hold an Office under the Government of this State. From the confidence which the people seem to have manifested in you, I hope there will be no difficulty in removing the disability by an application to the proper authority, and you owe it to yourself to make the attempt at some suitable time.

I am with due respect &
Your Obt Servt John Murphy

Mr James M House.

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Executive Department
Tuskaloosa May 8th 1829

Sir

The General Assembly of this State, by an Act passed the 12th day of January 1828 authorized the Governor of the State, the Comptroller of the Treasury, the Treasurer and President of the Bank of the State, as commissioners, to negotiate a loan of $100,000 to increase the Capital of the Bank. The loan is not to bear a higher rate of interest than six per cent, and to be redeemable in a period of twenty years. I consider it unnecessary at present to be more particular, the more especially as I presume you were made acquainted with the provisions of the Act, the character and security of the Stock, by Dr. Thomas Cooley, and John G. Pickerson Esquire who is deputed to effect the loan in your City during the Spring and Summer of the last year. The Act remains unrepealed, and the Commissioners are still authorised & willing to negotiate the loan if it can be obtained on terms to subserve the interests of the State. The Bank is in a very good condition, the revenues of the State prosperous, and the loan is expedient only in consequence of the Constant Drain of our circulating medeum through the purchase of public lands. The money paid into the Land Offices is withdrawn completely from the necessary transactions of the country, and returns if at all, in small portions and slowly, recurring periods of time. If you should be inclined to purchase this Stock, or know of other Capitalists who might be disposed to make such an investment, you will oblige me by desiring an early communication to Colonel Tindal President of the Bank of the State of Alabama at Tuskaloosa or to myself at Claiborne. The Stock will be rendered as safe and convenient as any other State Stock, and any inquiry which you may choose to make, will be fully and speedily answered. The Commissioners will call on an agent when they ascertain when the loan can be most advantageously effected. You will be pleased to mention the terms as well as the means of expediting the transaction should you be inclined to purchase

I am very respectfully
Your obt. Servt
John Murphy

J J Astor Esqr
New York

Executive Department
Tuskaloosa May 7th 1829

Sir

The General Assembly of the State of Alabama has authorized a loan of $100,000 to increase the Capital of its Bank, which belongs exclusively to the State. State Stock will be issued to effect this loan, bearing an interest not exceeding six per cent, payable semiannually, and the Stock redeemable in a period of twenty years. I have learned that yourself or some of your friends in Philadelphia might be disposed to purchase such Stock, dealing occasionally in transactions of this nature. Should you intimate a disposition to purchase, and propose terms, the fullest information will be given in regards to the character of the Stock, and all enquiries will be amply satisfied. The State will render its Stock as safe and as convenient as that of any other State. The Bank is in a very good condition, the means of the State daily increasing, and nothing renders the loan desirable but the comfortable effect of the purchase of public lands on our circulating medium. Should you make any communication, you will direct to Lotan L Tindal Post[master] of the Bank, at Tuskaloosa, or to myself at Claiborne.

I am very respectfully
your Obt Servt
John Murphy

N Biddle Esqr
Philadelphia

Department of State
Tuskaloosa May 7. 1829

Sir.

Pursuant to a law of this State I have the honor to transmit to your Excellency four copies of the acts of the General Assembly passed at November Session 1828. It is further made my duty to solicit in exchange the laws of the State over which you preside. Permit me to request that you acknowledge the receipt of these copies as soon as may be convenient.

I have the honor to be
your Obt Servt
James D Thornton

His Excellency
the Governor of
Virginia

The same as the above to each Governor in the Union. Four copies also transmitted to the Secretary of State of U. States.

112

Sir

Executive Department
Tuskaloosa May 5th 1829.

During the Session of 1827-8, the General Assembly of this State authorized a loan of $100,000, to encrease the Capital of the Bank of the State of Alabama, the entire Capital of which belongs to the State. Some efforts were made last Spring and Summer, to negotiate this loan but they did not succeed. If you should think proper to purchase State Stock of this description, you will be pleased to direct an early communication to John L Tindall Esqr, President of the Bank, at Tuskaloosa or to myself at Claiborne. The Stock which the State has authorized to be issued by the Commissioners, in the effectuation of this loan, is not to exceed 6 per Cent, paid semiannually, and is to be redeemable in a period of twenty years. The Stock will be amply secured, and any proper arrangement to render it more convenient to the purchaser, will be readily made. If a wish to purchase is intimated to me, all enquiries will be fully answered, and the character and security of the Stock will be satisfactorily shewn. An agent will be sent on to close the business whenever it is ascertained where the loan can be negotiated most conveniently to the State.

I am very respectfully
your Obt Servt
John Murphy

Stephen Gerard Esquire
Philadelphia

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Executive Department
Tuskaloosa Sept 2. 1829.

Dear Sir

I have the pleasure to acknowledge your favor of the 15th June last, and the Bonds & accounts against defaulting Tax Collectors who resided in the Counties now composing the State of Alabama, recently held by the State of Mississippi, and now transfered to this State in a final Settlement of the accounts heretofore remaining unsettled between the two States. In looking over the accounts, I find that several of the Tax Collectors were in Office more than one year, and yet in no case has more than one bond been forwarded. For the Collection of these account it may be necessary to have the Bonds given for each year. Will you have the goodness to require the proper Officers to make search for all such Bonds or to give any information which they may possess in regard to them. They may have been deposited with the Clerks of the County without a due return being made of them to the Treasury as regards four of the accounts no bonds at all have been forwarded. I am sorry to give you this trouble, but am well aware that all the information which can be derived from the Public Offices will be most willingly and liberally communicated. The Bonds and accounts have lain for some time in the Office and was not forwarded because I was daily expected at the Seat of Government. This is the Reason why an immediate reply was not given to your communication. Make my best respects and acknowledgements to Governor Brandon when you see him and believe me I am with great consideration & respect

Your obt Servt
John Murphy.

John A Grimball Esqr
Secretary of State
Mississippi.

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Executive Department
Zanesville Sept 3rd 1829.

Dear Sir.

I have this moment received your favor of the 20th August and thank you sincerely for the liberal and patriotic interest which dictated it. No doubt the minds of the Indians are unsettled and agitated by various and uncertain counsels. This in all unusual occurrences is apt to be the condition of an unenlightened and barbarous people. But it is prudent and humane to avoid every thing which might tend to agitate them more, by the fears which it might excite, and to drive them to desperate measures by the danger and uncertain conjectures which their ignorance might lead them to form. Should the executive of the State send arms publickly to any point they might suppose that it was the intention to become the aggressor, and this supposition acting upon their minds, in a State of excitement distrust and doubt might provoke them to hazard calamity which they could otherwise have the discretion to avoid. It is therefore thought to commiserate their ignorance & to avoid all causes of excitement, unless our own safety should seem to require it. With these views of the case, I think it most advisable to pursue the following course. If you should find by indications not to be disregarded that the Indians have hostile intentions, and that our people on the frontier are exposed to a reasonable apprehension of danger you will with out any noise & with as little publicity as possible send a waggon express for a portion of the public arms, which I will order the Quarter Master General to deliver. You associate with yourself in the exercise of this important and delicate discretion the publick men of your County, and other discreet citizens. Upon your joint application to me, the necessary number of arms will be delivered to your order. You can doubtless procure a waggon easier than it can be procured here, and it will be your interest to render one. I will pay all reasonable and proper charges from the contingent fund. If you cannot get a waggon, in the event that there should be a necessity for it, the arms will be sent to you without delay by a conveyance

Chowanoc here. But as I said before you will not send, unless there should appear to be a necessity for it, according to the dictates of ordinary prudence and caution. To send prematurely and unnecessarily might tend to increase the danger which we wish to avoid. How can there poor Indians attempt any thing unless their minds are driven to despair and desperation.[2] They are without ammunition, and and will have no opportunity of obtaining a sufficient supply for hostile operation. They must know, that do tho they may have the power to do some sudden mischief, they would soon be overwhelmed by a force which they would be unable to resist. As far as I have obtained information they posses the most pacific intentions. We ought however to guard against their sudden impulses, by vigilant care and circumspection. They cannot organize a dangerous force without giving indications of their hostile purposes. If I should not be at the seat of Government myself, I will leave the necessary directions in this matter. I rely entirely on the good discretion of influential and intelligent men in the County who will not be inattentive to the safety of the Inhabitants and who will not resort unnecessary or improper measures. You will keep your Regiment prepared, as much as possible for any contingency which may arise. This can be done without exciting any distrust among the Indians.

I am with great respect
your Obt. Servt.
John Murphy.

Col John Sawyer
Shelby County.

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Executive Department
Tuscaloosa Oct 5. 1829

Be it known to all to whom it may concern, That Lemuel G McClellan and Agnes La Pierce are duly appointed authorized and commissioned by the Governor as Agents on the part of this State to receive from the public authorities of this State to receive from the ~~the~~ of, which duly apprehended and delivered to them or either of them, Ely Ayres and Wm Ayres either of them, Citizens of the State of Tennessee, charged with having feloniously stolen taken and carried away from the State of Alabama & County of Jefferson a certain Negro Woman named Chaney, and two children, and a certain mare all the property of John G Ayres of said County of Jefferson that the said Ely Ayres and Allen Ayres, may be brought back to the County of Jefferson to stand their trial according to law for the said offence and all the Officers and Magistrates of this State are hereby requested and required by all the means in their power to aid the said Agents in the discharge of their said duty, and all persons residing in the limits of the United States are hereby cautioned and warned not to hinder obstruct or molest the said Agents, or either of them in conveying the said fugitives to the said County of Jefferson in this State as they will answer for such unlawful interference hindrance, or molestation at their peril.

In testimony whereof I have hereunto set my hand and affixed the seal of the State at Tuscaloosa, this 5th Oct. 1829 and 54th year of the Independence of the U S of America

Lotn Murphy

No. 117

Department of State
Washington Oct 5. 1829.

Sir.

It will appear to your Excellency by the annexed and duly authenticated affidavits of John G Ayres & Samuel G McMillion citizens of the State of Alabama and county of Jefferson, that Ely Ayres and Allen Ayres, citizens of the State of Tennessee did on the 11th of Feb last feloniously steal, take & carry away from and out of the possession of John G Ayres one of the said Deponents a negro woman slave her two children and a certain man their all property of the said John G Ayres and have fled from justice beyond the limits of this State and are now in the State of Tennessee. Now therefore in pursuance of the Act of Congress provided in such cases, entitled an Act respecting fugitives from Justice and persons escaping from the service of their Masters, I do hereby demand, that your Excellency will be pleased to cause to be apprehended, wherever they may be found within the limits of the State over which you have the honor to preside, the said Ely Ayres & Allen Ayres charged as aforesaid and fugitives from justice and to cause them to be delivered to Samuel G McMillion and Aquila Pierce or either of them who are appointed and authorized agents on the part of this State to receive the said fugitives that they may be brought back to the said County of Jefferson in this State to be tried according to law for the said offence with which they stand charged.

In testimony whereof I have hereunto set my hand and caused the Seal of the State to be affixed, this 9th day of October in the 1829-54 of the American Independence.

By the Gov John Murphy
James I. Thornton
Secy of State.

Executive Department
Tuscaloosa Jany 1. 1830.

Be it known to all whom it may concern, that in pursuance of the Act of Congress, intitled "An Act for the recovering fugitives from Justice and persons escaping from their masters" I have demanded of His Excellency, the Governor of the State of Georgia one Jas B Thomas, charged with the offence of Grand Larceny, that he may be conveyed back to the County of Baldwin in this State to be tried according to law for the said offence; and I hereby appoint Jas M McCoy the Agent of this State to receive the said Jas B Thomas from the Authorities of the State of Georgia, and enjoin upon all the Officers and Magistrates of this State to assist the said Agent in conveying the said Jas B Thomas to the Sheriff of Baldwin County aforesaid, and all persons residing in the limits of this State are hereby cautioned and forewarned not to hinder or molest the said Agent as they shall answer for it at their peril

Given under my hand and the Seal of the State at Tuscaloosa 1st Jan 1830 and the 54 year of the Independence of the U States of America

By the Governor Gabriel Moore
James S Thornton
Secy of State.

P.S.
A letter has been written to the Governor of Georgia on the subject of the Apprehension of the said Thomas.

No 119

Executive Department
Tuskaloosa Janry 15. 1830

Be it known to all to whom it may concern that in pursuance of the Act of Congress, entitled "An Act respecting fugetives from Justice and persons escaping from their Masters" I have demanded of His Excellency the Governor of the Territory of Florida one W J Kilbee charged with Stealing one negro girl (slave) named Hannah, that he may be conveyed back to the County of Henry in this State to be tried according to law for the said offence; And I do hereby authorize Joel J McClendon the Agent of this State to receive the said W J Kilbee from the authorities of the State of Georgia and to call upon all the Officers and Magistrates of this State to assist the said Agent in conveying the said W J Kilbee to the Sheriff of Henry County aforesaid and all persons residing in the limits of the United States are hereby cautioned and forewarned not to hinder or molest the said Agent as they shall answer for it at their peril.

Given under my hand and the Seal of the State at Tuskaloosa 15th January 1830 and the 54th year of the Independence of the United States of America

By the Gov. Gabriel Moore

Executive Department
Tuscaloosa January 15 1830

Sir

It will appear to your Excellency by the inclosed copy of the presentment of the Grand Jury for Henry County together from other documents accompanying it, that one W J Kilbee late of said County stands charged with having feloniously stolen, taken and carried away from and out of the possession of one John W Grace a certain negro girl slave named Hannah the property of the said J W Grace and has fled from Justice beyond the limits of this State, and is now resident in the Territory of Florida.
Now therefore in pursuance of the Act of Congress, provided in such cases, entitled "An Act respecting fugetives from Justice and persons escaping from the service of their Masters" I do hereby demand that your Excellency will be pleased to cause to be appre

120 wherever he may be found within the limits of the Territory over which you have the honor to preside, the said W J Kelsoe charged as aforesaid and a fugitive from Justice, and to cause him to be delivered to Joel J McClendon, who is appointed and authorized Agent on the part of this to receive him that he may be brought back to the said County of Henry in this State to be tried according to Law for the said offence with which he stands charged

In testimony whereof I have hereunto set my hand and caused the Seal of the State to be affixed this 15th Jany 1830 and 54th year of American Independence

By the Governor Gabriel Moore

James I Thornton Secy of State

Secretary of State's Office
Tuscaloosa July 12. 1830

Sir. (Circular)

By an Act of the 14 January, 1830, (see Acts page 13) the Act of January 26th 1829, (see Acts 1828-29 page) entitled, "An Act prescribing the duties of Sheriffs and returning Officers, in holding elections and returning the votes of all persons voting on proposed alterations of the Constitution of the State of Alabama" is made permanent, and therefore, it is your duties relative to the Resolution proposing amendments to the Constitution of this State, so as to meet biennial Sessions of the General Assembly. I take the liberty of referring you to those Acts, that no mistake may be made in your return of the votes on the Resolutions now before the people, as it would be my duty, in case of any failure or mistake, to report the fact to the General Assembly.

I have the honor to be
Very respectfully,
your Obt Servt
James I. Thornton

To the Sheriff of County.

Sir

Secretary of State's Office
Tuscaloosa, Ala. July 12. 1830.

Pursuant to a law of this State I have the honor to transmit to your Excellency three copies of the Acts of the General Assembly, passed at the November Session 1829. You will please acknowledge the receipt of the same

I have the honor to be
Very respectfully
Your Ob't Serv't
James J. Thorn Sec'y

His Excellency the Governor
of Virginia.

The same to the Governor of each State in the Union.
Four copies transmitted to the Secretary of State U. S. at Washington City, with nearly the same letter as the foregoing.

Executive Department—
Tuscaloosa July 13th 1830

His Excellency the Governor
of Tennessee

Sir.

I have the honor to enclose to your Excellency herewith a copy of an Indictment found at a late term of the Circuit Court holden for the County of Madison charging Lewis Geno and Harvey committed an Assault & Battery with intent to kill & murder one Thomas Johnson on the 30th day of January last in the said County of Madison and whereas the said Geno hath fled from Justice and is reported to be at large within the limits of Tennessee

Now therefore in consideration of the premises and in pursuance of the Act of Congress entitled "An Act respecting fugitives from Justice and persons escaping from the service of their masters" I have the honor to demand & request of your Excellency, that you cause the said Lewis Geno to be apprehended if he be not already apprehended, if to be found in the limits of the State over which you preside to the

or either of them who are appointed Agents or Agents of this State to receive and convey him to the Sheriff of Madison County in this State, that he may be dealt according to law for the Offence with which he stands charged

Given under my hand & the seal of the State at Tuscaloosa 4th July 1830, and of the American Independence the 55 year

Gabriel Moore

By the Gov
James J. Thornton Sec'y of State

1827

Executive Department

Tuskaloosa July 4th 1830.

Be it known to all to whom it may concern, that, in pursuance of the Act of Congress, entitled "An Act respecting fugitives from Justice & persons escaping from the service of their masters" I have demanded of his Excellency the Governor of the State of Tennessee one Lewis Lyons charged with the commission of the crime of Burglary with intent to kill & murder one Thomas Johnson, that he may be conveyed back to the County of Madison in this State to be tried according to law for said offence.

And I hereby appoint [illegible] or either of them Agent or Agents of this State to receive the said Lewis Lyons from the authorities of the State of Tennessee, and I do enjoin upon all Officers Civil and Military of this State, to aid the said Agent or Agents in conveying the said Lewis Lyons to the Sheriff of Madison County aforesaid and all persons residing in the limits of the United States are hereby cautioned & forewarned not to hinder or molest the said Agent as they shall answer for it at their peril.

Given under my hand & the Seal of the State at Tuscaloosa on the 4th day of July 1830 and of the Independence of America the fifty fifth year

By the Gov

Gabriel Moore

James S. Thornton Secy of State.

Executive Department.
Tuscaloosa, August 1830

Sir.

At an early period after assuming the duties of the station I now fill, the General Assembly by a resolution, instructed me to collect and lay before them, the most authentic information which could be obtained in relation to the Penitentiary system. To fulfil that requirement is the purpose of the present address. Before, however I proceed to touch upon the various topics which such an enquiry will embrace, allow me to testify the high satisfaction which I have derived from even the humble share allowed me in the prosecution of the measure it anticipates. Were I charged with nothing more than a tender of those accustomed courtesies by which we are reminded of our amicable relations, I should not deem the time wholly useless: and doubly grateful is the task, when an earnest pursuit of truth, furnishes an occasion for combining the respect due to a sovereign State, with an acknowledgment of our moral dependance on one another.
My only cause of regret is, that this duty had not been committed to some one whom longer reflection, or peculiar habits of study, had rendered more familiar with the details of the subject. But as on the one hand, no sophistry can disguise its importance, so neither does it require on the other, any laboured comment to insure that estimate of its merits which every reflecting and unprejudiced mind will be disposed to draw.

The scheme of punishing crimes and misdemeanors by Penitentiaries and Houses of correction, is one which has for years past been acquiring a progressive popularity in the United States. In the provisions of its criminal jurisprudence almost every member of the Union has felt the necessity of abating some portion of that reverence which still continues to be implicitly paid to the civil institutions of the Mother Country. This disinclination is by no means capricious or ill founded. While the creation of a new Government has wrought no change in the objects of commerce, the basis of contracts, or any of the incidental concerns of social life, it has advanced the personal immunities of its subjects in the scale of practical consideration, to a point which before had been reached only by the dreams of Theorist. The spirit of the Federal compact points emphatically to the protection of the protection of personal rights as one of the earliest and most prominent objects of its attention. Thus while subjects of less magnitude are silently remitted to inferior jurisdictions

ve fina it forbidding the passage of bills of attainder, the suspension of the writ of habeas corpus, the exaction of unreasonable fines, the infliction of cruel and unusual punishments, and cutting off the whole train of constructive treasons those fatal traps of the subjects lives and liberties in times of political commotion. The constitutions of most of the individual States breathe the same hallowed spirit and if at any time its voice has been unheard or disregarded, it is believed to be owing to causes neither lasting in their influence, nor extensive in their operation. We every where see evidences of a growing sentiment that the rigor of a barbarous age is unsuited to our improved condition. One among the important ends of well regulated government is to lend and impart stability to those improvements which time has matured, to secure from change the acquisitions of industry, and consequently should reflect some shadow of all the advances its subjects have made in knowledge and humanity; but in nothing is its agency more required than in adopting its penal code to the moral character of the people on whom it has to act. The sense of right and wrong, which custom and education has engendered, should be its basis, and necessity combines with the public good its only sanction. Natural as it is for the human mind to reverence and venerate what is ancient, it is a reflection which should not escape us that veneration is sometimes the only tribute it can claim at our hands; and that the usefulness of many institutions, once worthy to be admired, has passed away with the modes of life to which they were allied. Examples selected from the most opposite phases of society, would not, perhaps, present a more striking contrast than the one exhibited between the present condition of our people, both moral and political, and that of the nation to which we owe most of our institutions. Throughout the several ages in which its criminal code was growing to maturity considerations then founded upon facts, and deductions taken from experience, are supposed to recommend some modifications of our laws with a view of rendering them less rigid in their texture, less sanguinary in their consequences, and more proportionable to the degree of turpitude involved in the offence or crime connected with their violation. For these reasons, and in accordance with the resolution of the General Assembly on the subject of Penitentiaries or Houses of correction as their operation on this State over which you preside may enable you to impart, particularly in reference to the following heads: 1. Their construction and government

3rd what desirable modification of the criminal laws have they been the means of introducing or rendering practicable? 3rd Has this effect upon the revenue of the country been beneficial or otherwise? 4th How far have they tended to diminish the amount of crime, and what influence have they exerted on the morals of the community at large?

These heads, together with such other general suggestions as may occur to you, will embrace the several points of view under which we desire to see the subject submitted. I will beg leave to make this further remark only, that as the information solicited by this address, is intended to be laid before the General Assembly of Alabama at its approaching Session in December next, an early reply would add to the extent of the favor and obligation, which we shall acknowledge by the receipt of your communication.

I have the honor to be, with high regard

Your respectfully, Sir, your obedient servant

Gabriel Moore

His Excellency the Governor of New York.

☞ The same as the foregoing, addressed to each Governor throughout the United States.

Secretary of State's Office

Tuscaloosa Decr 20 1830.

Sir.

By an Act of the present Session of the General Assembly, I am required to furnish to each of the Judges of the several County Courts, four Copies of the Digest of the Statutes and a like number of Copies of each subsequent Session of Statutes, passed since that time, to be delivered by said Judges to the several Commissioners of Revenue and Roads, provided I may have as many on hand as will be necessary for that purpose. I have not a sufficient number on hand to to carry the Law into effect; I must therefore inquire of the Agent for the Sale of the Digest in each County how many he may have on hand, so that I may know what number will be needed from this Office.

Will you permit me to impose the trouble upon you of ascertaining from Mr Thos Brandon Agent for the sale of Digests in your County, the number he may have on hand and get from him four copies and distribute them to the Commissioners? please take receipts in all cases, and forward them to me as soon as possible. If the agent should have none on hand, you will confer a favor by giving immedi

ate information, so that I may supply you with them for the Com
missioner. I have the honor to be
Your Sevt Chapman with high Respect
Judge of the County Court Your Obt Servt
of Madison County. James I. Thornton.
☞ The same to each Judge of the County Courts throughout the
State.

Executive Office
Tuscaloosa July 15 1831

Sir

I have received yours dated 23d of March on the subject of the arms due this State. and have the honor to request that you transmit & cause to be delivered to the care of James Jackson at Florence situated on the Tennessee a navigable river, one One Six Pounder Carriage Brass prefer six pounder field carriage with equipments complete Also that you transmit & cause to be delivered to the care of Charles Lewis at Tuscaloosa one other Six Pounder carriage Brass would be preferred & one Six Pounder field carriage with equipments complete and to the care of Charles Lecheu 591 Cartouch Boxes and Straps. 581 Bayonet Scabbards 507 Bayonet Belts. 217 Cavelry Sabres and accoutrements and 110 artillery Swords & the Ballance due in Muskets

I am Respectfully your
Obt Servt Samuel B. Moore

Col G Brompford

Secretary of State's Office
Tuscaloosa Aug 19. 1831.

Sir.

Conformably to a law of this State, I have the honor to inform your Excellency, that I have on this day forwarded to your address, three Copies of the Laws of this State, passed at the last Session of the General Assembly thereof.

I am respectfully
your Excellency's
Obt Servt
James I Thornton

His Excellency
The Governor
of Virginia

☞ The same to each Governor throughout the United States and also the State Department at Washington City

Secretary of States Office
Tuskaloosa Aug 19th 1831.

Sir.

I have the honor, by the direction of the Governor, to acknowledge the receipt of 126 copies of the Laws of the 2d Session of the 21st Congress.

Hon Edward Livingston
Secretary of State
Washington D.C.

I am very respectfully
Your Obt Servt
James I Thornton

State of Alabama
By John Gayle Governor of Alabama

To all Sheriffs Constables and other officers of said State to whom these presents shall come greeting

Whereas the affidavit of Aquila Rutledge taken before John Wright an acting Justice of the peace in and for the County of Lawdon of the State of Tennessee has been presented to me duly authenticated charging Jacob A Stimond of the County and State aforesaid With the crime of Felonesly and unlawfully dealing at Faro for money Who it is alledged has fled from the Laws State of Tennessee and is believed to be in the State of Alabama.—

And Whereas the Governor of the State of Tennessee in pursuance of an act of Congress passed the 12th of February 1793 entitled an act respecting fugitives from justice and persons escaping from the service of their masters has thought proper to demand of the Executive of the State of Alabama that the said Jacob A Stimond be delivered to Aquila R. Rutledge whom he has appointed for and on behalf the State of Tennessee for receiving and delivering him the said Jacob A. Stimond to the said State of Tennessee to be dealt with & tried according to law for said offence,

You and every of you are therefore hereby Commanded to take the body of the said Jacob A. Stimond if to be found in the State of Alabama and him Safely deliver to the said agent Aquila R. Rutledge upon condition that he pay all legal costs that may accrue in apprehending the said fugitive Stimond,

and the said Sheriff is hereby authorized to transport and convey the said Stimond to the said State of Tennessee.

In testimony whereof I have hereunto set my hand and caused the Seal of the State to be affixed at Tuscaloosa this 24th day of September in the year 1833 and of the Independence of

the united States of America the fifty Eighth

1838

By the Governor. John Gayle
James I Thornton
Sec'y of Ala.

Executive Department
Tuscaloosa 2d Jany 1838

Sir You are hereby directed to convene a General Court Martial for the purpose of deciding a contested election, held on the day of for Brigadier General of the 2d Brigade and first division. William W Garrard was returned Elected and the election is contested by Nathaniel Terry. A copy of the grounds prefered by Mr Terry is herewith transmitted.

John Gayle

To James G Carroll Adjt & Insp Genl
General Ala. Militia

Copy of a letter from his Excellency Governor Gayle to Jeremiah Austill Deputy Marshal of the Southern District of Alabama, in relation to the settlers on the Creek lands. dated

Tuskaloosa 26. November 1832

Dear Sir

I have received your letter of the 9th instant in relation to the difficulties which exist between the Indians & the white settlers. Information had previously been given, by letters from several persons, to some of the Members of the Legislature, that the Marshal had been instructed by the Secretary of War to remove all persons who had settled in the country acquired by the late treaty with the Creeks; which produced not a little anxiety among the delegation from the adjoining Counties. I had a conversation with Mr Crawford, shortly after he had been engaged in removing persons who had trespassed on Indian settlements, in which he informed me that he did not disturb any one but such as had taken possession of that were occupied ~~them~~ by the Indians or claimed by them.

I presume you are acting under orders similar to those which he was then governed by. You state that "you have been instructed to remove intruders from the Creek lands" - Will you do me the favor to inform me whether your instructions are intended to embrace all persons living in the Indian Country, or only those who have interfered with Indian settlements? The bill of Costs, which accompanied your letter discloses an instance of extortion which merits severe reprehension & I doubt not will be punished by the Courts should it be legally brought before them. This treatment of this kind which has produced so much dissatisfaction among these people, and I am sure will meet the disapprobation of the orderly & well disposed part of the Community.

I have the utmost reliance on your discretion to do nothing that will increase the irritation now existing in the County of Pike & I trust you will avail yourself of every occasion to satisfy the good Citizens in that quarter that they have nothing to apprehend. I have every reason to believe that the President is favorable to the speedy settlement of the Indian Country & that he will not object to any thing which is not in violation of the treaty.

With great respect I am Dr Sir

Your obedient Servant

(signed) John Gayle

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Copy of a letter from his Excellency Governor Gayle to the Hon. Lewis Cass Secretary War, in relation to the Settlers on the Creek lands. dated

Executive Department
Tuskaloosa 20th August 1835.

Sir:- An attempt by the Deputy Marshal of the Southern District of Alabama, to Remove an individual by the name of Owens, from premises alledged to belong to an Indian, has resulted in the death of the Supposed trespasser. A detachment of Militia State Soldiers, on the Requisition of the Deputy Marshal, was placed under his direction, and the deceased was shot by one of these Soldiers. The frequent incursions of this officer with an armed force, among our inhabitants, Residing in the Country acquired from the Creek Indians, with the purpose of settling disputes between them and the Indians, have produced very general dissatisfaction, which, since the killing of Owens, has risen to an excitement that if not quieted, will lead to Results equally unpleasant to the General Government, and to the authorities of this State.

It is not my purpose to show that the Conduct of the Marshal was improper, or that an offence has been Committed against our laws; but to Request that the Government refer the Complaints of the Indians, to a tribunal less objectionable than that of the Marshal with an armed Soldiery.

At the last Session of the General Assembly of this State, the whole of the Creek Country within the limits of the State, was laid off into Counties, which were organized, so as to give full and complete effect and operation to our laws. It was understood that no objection would be raised by the Government to its Settlement by the white people, provided they abstained from intruding upon the Reservations Secured to the Indians by the Treaty of the 24th of March 1832.

The fifth article of that treaty, by obvious construction, permits settlements upon any of the lands ceded, except Reservations "after the Country is Surveyed, and the Selections made." The Indians therefore cannot resort to these settlements as a ground of just Complaint: and it would not be difficult to show that intruders even upon the Selections, Cannot legally be Removed by the Marshal.

I lay it down as a correct position, that where the government has disposed of its lands, all disputes and Controversies Relating to their title, or to the right to their possession, are Referable only to the Judicial tribunals of the Country. I do not deem it necessary, however, to discuss this point at present, Relying as I do upon the disposition of the President, to cause the treaty to be carried into effect by such measures, as are clearly

authorized by the Constitution and laws. Encouraged by the treaty, by the laws of the State, and by the express permission of the Government, to settle upon and occupy these lands, a population has moved upon them, equally respectable with that of other sections of the State; and to which, in point of numbers, the Indians bear but a small proportion. In their present situation, they cannot be regarded as a distinct tribe; for as such they have disappeared, and been lost in the large community now in possession of their ancient birth-right. They are permitted by the treaty to sell their reservations, with the approbation of the President, and it is quite notorious that many of them have sold and otherwise disposed of them. They have entered into contracts with their white neighbors, as well in relation to other matters as their lands; and upon inquiry it will be found, that in many instances their dissatisfaction and complaints, arise out of these contracts. In these cases it will not be pretended, that any authority can be conferred on the Marshal to interfere. They form the proper objects of judicial investigation, and Courts are competent, and at all times open to decide them. By the laws of this State, whenever an individual is entitled to the possession of lands, he can, by a summary proceeding before a Justice of the Peace, expel an intruder or trespasser within a few days. I transmit to you herewith, our Statute on this subject. It has for many years been in force, and has fully accomplished the purposes for which it was intended.

Whatever may be the opinion of the President as to the powers of the government to eject intruders by force, without the forms of law, I am persuaded, that under existing circumstances, he will concur in the opinion that this law will be equally effectual, and that the Marshal at the head of armed soldiers, in the bosom of a peaceable, orderly and quiet community, cannot and ought not to be permitted to settle questions, that are in their character strictly and properly legal.

With distinguished Consideration.

I have the honor to be, Sir, Your obt. Servt.

(signed) John Gayle

Hon. Lewis Cass, Secretary of War.)

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Copy of a letter from Governor Gayle to Robert L Crawford Esqr. Marshal of the Southern district of Alabama, in Relation to the Settlers on the Creek Lands, dated

Tuskaloosa

20th August 1833.

Sir.

Since you have been engaged in executing your orders from the War department, in relation to intruders upon Indian Settlements and Reservations, a general dissatisfaction has been created among our Citizens residing in the Counties of Macon, Chambers and some others; and Complaints have reached me from highly respectable Sources. Since the death of Owen, the excitement has been considerably increased, and I am apprehensive that unless the mode of proceeding adopted by the Government, to investigate the Claims and grievances of the Indians, be abandoned, the people in that quarter will be driven into excesses that will be equally unpleasant to the authorities of the general Government and of this State. I am convinced that the investigation of Indian rights, titles &c, by an armed force, in the bosom of a quiet and peaceable Society, is not only improper, but is wholly unauthorized by the Constitution and laws of this State and by the Constitution of the United States.

The President does not desire to incommode our Citizens, or to protect the Indians by any other means than such as are sanctioned by the laws; and I feel Confident that he will direct the troops to be withdrawn, as soon as a Communication, which will be despatched by the first mail, reaches him. I have to Request therefore that you will abstain from any further interference, until an answer to that Communication is received.

I am Sir respectfully yr. obt. Servt.

(signed) John Gayle

Robt. Crawford esqr.
Marshal &c.

Copy of a letter from Governor Gage to the Hon. Secretary of State, in relation to the Settlers on the Ceded Lands

Executive Department
Tuskaloosa 2d Oct 1833

Sir— I have the honor to acknowledge the receipt of your letter of the 5th ultimo, together with the accompanying documents. They have been examined with the deliberate attention due to the subject to which they relate.

In mine of the 20th August, the objects I had principally in view were to suggest to the President a mode of proceeding, for the protection of the Indians in their possessions and reservations, more congenial to the spirit of our institutions, than that of sending among our citizens an armed force, and to call his attention to the irregularities inseparable from its employment, in executing the stipulations of the Treaty, of which the Killing of Owen is an instance.

I did not advert to the condition of the Settlers, upon such parts of the "ceded territory" as were not included in the Selections of the Indians, nor attempt to show that they had any Right, founded either upon their claims to the indulgence of the Government, or the laws of the land to remain. It was unnecessary for me to anticipate the order contained in your letter to the Marshal of the 20th August, directing the expulsion of our whole white population from the ceded territory. I beg leave, therefore, to submit, for the consideration of the President, my views upon this new and unexpected state of things, still trusting with undiminished Confidence, that upon a review of the whole subject, he will find ample room to rescind this measure, which I am constrained to believe is one of uncalled for and unnecessary severity.

In looking over that portion of the documents furnishing complaints against the Settlers, which you did me the honor to enclose for my inspection, I was at once led to the Conclusion that the determination to remove them had been produced mainly, if not exclusively, by the information contained in the letters of Mr Austill, written in the months of July and August. All these documents, except the letters referred to, and one from some of the Chiefs of the 20th December last, are of a date anterior to your communication to our delegation in Congress of the 6th December 1832, giving permission to, "those persons who obtained preemptions possession of the lands on which they live, &c. to occupy their tracts till the several selections are made". It appears that the injuries complained of before this period, were more numerous, frequent and aggravated than any which have been inflicted since. Mr Austill has adopted the plan, it seems, of reporting to the

War Department, individual cases of intrusion, and when they are all summed up, they do not amount to any considerable number.

It is true that the tenor and complexion of his letters are calculated to make an unfavorable impression of the Settlers generally, but it is obvious that his prejudices are very strong, that his feelings have become excited, and that a correct representation of their character, or of the true condition of the Indians, is to be obtained from some other source. If you have been led to form, from the letters of this gentleman, an unfavorable opinion of the great body of these people, I beg leave to assure you that it is utterly erroneous and unjust. Nine tenths of them have not interfered with the Indians, and in the upper Counties, which are the most populous, not a whisper of dissatisfaction has been uttered.

The Country in question, as you have been advised, has been laid off into nine Counties, by an act of our General Assembly, and organized, so as to put the entire machinery of our State Government into full operation. This measure was adopted as well in conformity with the known views and wishes of the President, as in pursuance of the Constitution of the State of Alabama. Several of these Counties contain a population of five or eight thousand souls, and the aggregate amount will not be short of twenty five thousand.

The great object of the Settlers, this year, has been to raise a sufficiency of Corn and other provisions, to supply the wants of the next season, and also to obtain the necessary quantity of Cattle, hogs and other stock. It is well known that the first business of Settlers in a new country, is to exchange their transportation for the means of subsistance, and this has actually been done by the greater portion of the population in the Creek Nation. Their wagons, Carts, horses, &c. are gone, and very many cannot possibly leave the country within the time specified in your instructions to the Marshal.

The agricultural labors of these people have been crowned with success, and their crops of Corn, peas, potatoes, &c. will place them during the ensuing year above the difficulties produced by the scarcity of the last.

Imagine, for a moment, the almost total destruction of these crops, the loss of most of the Stock, and the wretched and destitute condition of thousands of women and Children, and you will have a faithful picture of the scene which your orders, if executed, will spread over this entire region.

It seems to me, that the obligations resting upon the President, to avert from this large Community, so dire and overwhelming a calamity, are as "imperative in their Character" as any which have been "assumed in the Creek Treaty." At least they interpose considerations of equal weight. I should suppose, with those by which ~~the~~ he

has been induced to overlook these obligations until the present time.

It is not to be lost sight of, that these people do not stand in the light of intruders who have settled upon the public land, and continued their settlements against the orders of the Government. As before remarked, since your letters to Col. Riley and others of the 8th December last, all who were then in the Country, had permission to remain until the Selections were made. The very day was given, as it doubtless was, "upon the presumption that the Country would be surveyed and the Selections made, before it would be time to plow in another crop and also in the belief that no inconvenience or injury would result to the Indians." You further observe that "in both these expectations there has been a disappointment"

The delay in making the locations was not produced by any of the settlers, and the injuries Complained of have been inflicted by but few. If the first cause of disappointment be a matter of complaint, the sin does not lie at their door, and if offences have been committed, justice demands that the perpetrators alone should be punished.

The fifth article of the Treaty of March 1832, requires, "That all intruders upon the Country hereby Ceded, shall be removed therefrom in the same manner as intruders may be removed from other public land, until the Country is surveyed and the Selections made" &c. For the "Manner" of removal, you refer to the act of Congress of the 3rd. March 1807, and take for granted, that in all cases of Settlement upon the public land, the employment of Military force may be resorted to. I have no disposition to question the Constitutionality of this act, but I doubt the correctness of your Construction.

It was not the intention of Congress, in passing the act of 1807. to restrain persons from settling the public lands, who had no objection in view beyond their ascertainment..

Any one who is conversant with the fraudulent Claims, which individuals as well as Companies had set up to large tracts of land before and at the period when this act in question was passed, could find no difficulty in perceiving, that the principal, if not only, purpose of Congress was to prevent them from obtaining possession, by which they expected to give strength and validity to their Claims. The Yazoo purchase, effected by a fraudulent Contract with the State of Georgia, embraced thirty five millions of acres. It was believed by those interested in this Contract, that they would be in a situation to contend with the government, with better prospects of success, if they could succeed in making settlements upon the Territory they had purchased. It was their object to decide the controversy by suits at law, and to this end they had determined to place themselves in the attitude of defendants, by taking possession of the tract of Country

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in which the County of Madison, in this State is situated.

The act of 1807 was framed to counteract the views of these and other fraudulent claimants, and to prevent such persons only from making settlements, as entertained the design of opposing the policy of the government, as indicated in the rules and regulations established by Congress, respecting the territory of the United States.

This view is confirmed by the fact, that as often as the settlers upon whom the act was to operate are mentioned, their claims are also adverted to, and the severest penalty denounced against them is the forfeiture of these claims.

All persons who had made settlements previous to the passage of the act, are permitted to remain, provided they will sign a declaration that they do not lay any claim to the land, and do not occupy the same, by virtue of any claim derived from any person whatever, and provided also they will yield quiet possession to any person who may purchase of the United States. If they refuse to submit to these conditions, the Marshal, at any time after the first of January, and after three months notice, is authorized to remove them, and they incur the penalty of one hundred dollars, and imprisonment not exceeding six months. The evidence to be furnished against those who may be indicted, among other things, is the certificate of the Register that their claims to the land they had occupied, had not been recognized and confirmed by the United States.

Those who make settlements after the passage of the act, at the discretion of the President, may be removed by the Marshal, and they forfeit all title to whatever claim they may have which shall be vested in the United States.

A recital of the several acts of Congress passed in relation to persons who have occupied and cultivated the public lands, will confirm the opinion still more conclusively, that that body did not intend to prevent their cultivation, and that this was not the evil sought to be remedied by the act of 1807.

By the act of 10th May 1800, "each person who before the passage of the act, shall have erected or begun to erect a grist mill, or a saw mill upon any of the lands herein directed to be sold, shall be entitled to the pre-emption of the section including such mill, at the rate of two dollars per acre."

By the act of the 5th Feb. 1812, "every person or the legal representatives of every person who has actually inhabited and cultivated a tract of land lying in either of the districts established for the sale of the public lands, in the Illinois territory, which tract is not claimed by any other person, and who shall not have removed from said territory, every such

person and his legal representatives, shall be entitled to a preference in becoming the purchaser from the United States of such tract of land at private sale."

"By the act of 2d April, 1814, every person and the legal representatives of every person, who has actually inhabited and cultivated a tract of land, lying in that part of the State of Louisiana, which composed the late territory of Orleans or the Mississippi Territory, which tract is not rightfully claimed by any other person, and who shall not have removed from said State or territory, shall be entitled to the right of pre-emption in the purchase thereof."

"By the act of 22d April, 1826, every person or the legal representatives of every person, who being either the head of a family, or twenty one years of age, did on or before the first day of January 1826, actually inhabit and cultivate a tract of land, situated in the territory of Florida, which tract is not rightfully claimed by any other person, and who shall not have removed from the said territory, shall be entitled to the right of pre-emption in the purchase thereof."

"By the 5th section of the same act, "every person, or his or her legal representatives, comprised in the list of actual settlers, reported to the Commissioner of the general land office, by the register and receiver for the district of Jackson Court House, in the State of Mississippi under the authority of an act of Congress entitled an act, &c, not having any written evidence of claim to land, in said district, and who on the third day of March, 1819, did actually inhabit and cultivate a tract of land in said district, not claimed, &c, shall be entitled to the right of pre-emption, on becoming the purchaser of the United States of such tract of land." (See Gordon's digest from which these extracts are taken.)

Each of these acts embraced settlers in a particular State or territory and were generally passed in anticipation of the sales of the public lands. But the act of 1830 is more general in its provisions, and includes all persons whatever, who had settled upon the public domain.

By that act it is provided "that every settler or occupant of the public lands, prior to the passage of this act, who is now in possession and cultivated any part thereof, in the year 1829, shall be and he is hereby authorized to enter, with the register of the land office, for the district in which such lands may lie, by legal subdivisions, any number of acres not more than 160, or quarter sections, to include the improvement, upon paying to the United States, the lowest minimum price of the land."

Here is a continued succession of acts embracing and running

through a period of thirty years, all conferring upon settlers the valuable privilege of pre-emption. They show beyond dispute, that during this time it was the settled policy of the government to encourage our citizens to settle and occupy the public lands; that this class of our population has always been esteemed highly meritorious, and that the exclusive right to purchase at private sale has been extended to them, in consideration of, and as a reward for the services they have rendered, by these settlements, in testing the value and productiveness of the soil; and in affording facilities to purchasers to examine it.

These acts have been passed with the exception of that of 1800, subsequently to 1807, and if be a crime to cultivate the public land, the government has suborned our citizens to its perpetration, by offering them large rewards and conferring on them valuable privileges.

If, then, the settlement of the waste lands of the United States, is not unlawful of itself, according to the spirit, true intent and meaning of the act of 1807, the President cannot properly exert the discretionary power conferred on him for the removal of settlers, unless he has good reasons to apprehend, that they intend preferring a claim to the land they occupy, or in some other respect opposing the Acts of Congress for the disposal of the public domain, of interfering with and defeating "the rules and regulations respecting the territory of the United States." Nothing of this kind has been done by our people, who have settled in the Country ceded by the Creek Indians. They "designate no boundaries thereon by marking trees or otherwise," nor have they any intention to withhold it from any person or persons who may purchase of the United States. Their only object is to occupy their settlements, until they shall be offered for sale, and then to go into the market upon equal terms with other persons. The "manner" therefore of removing occupants, who settle upon the public lands with no design, but to cultivate them, is not by military force.

A treaty is an act of Congress is the supreme law of the land, and when it is made in pursuance of the Constitution of the United States. If it trenches upon the acquired jurisdiction of a State, or violates the Constitutional Rights of a Citizen, it is not law, can impose no obligation on our people, and will be declared null and void by the legally constituted authorities.

Such is believed to be the character of that part of the 5th article of the Creek Treaty, by which the

government had undertaken to remove by force all intruders upon the occupations of the Indians, "until the country is surveyed and the selections made" and also to remove them in the same manner "from those selections for the term of five years from the ratification of the treaty &c. The Indians while they retained their character of a tribe, had an unqualified, indefeasible right to their immediate improvements. The second article of the treaty not only confirms this right of possession until the selections are made, but after that period adds to it a fee simple title. The article refered to, requires that a "census of these persons shall be taken under the direction of the President, and the selections shall be made, so as to include their improvements of each person within his selection, if the same can be made, and if not, then all the persons belonging to the same town entitled to selections, and who cannot make the same so as to include their improvements, shall take them in one body in a proper form". When more persons reside in a town or neighborhood, than can receive their complement of land at their places, a portion of them will remain and the others will receive their allotments in a body elsewhere; so that in every instance the possession of the improvements continues with the Indians, not subject to the control of the government, from the ratification of the treaty until the selections are made, and afterwards indefinitely. -

It is obvious therefore that these improvements are not public land, and it is equally clear that the reservations, after they are located, will become the private property of the individuals to whom they may be assigned.

The government has no present or future interest in such of the selections as will include improvements. They are the private property of the persons in possession, who are in no respect whatever dependent on the favor or permission of the government for, to enjoy much of any right of the United States were to attempt the removal of one of these people, entitled to have his selection around his improvements, it cannot be doubted that the District Court, or the Courts of this State would interpose their authority for his protection.

Whence then is the power derived to regulate or control the possession of these improvements? If the Indians choose to sell their fields, they only use the privilege common to every citizen, and if a person obtains peaceable possession under a contract of this kind, he cannot be removed by military force, notwithstanding a total disregard of the constitution

of the United States. If a citizen can be thus forcibly and unceremoniously expelled from his possessions, the 2d[nd] Court has already cut out from that instrument the clause which declares that no person shall be deprived of "his property without due process of law."

But intruders are to be removed by force, from the 2d[nd] Section, "for the term of five years from the ratification of the treaty." &c. After the Indians are placed in possession of their tracts, 90 of which are to contain 640 acres and the other 320 acres each, they were certainly cease to be public land. Not only the right to occupy, but the right to sell is secured by the treaty; and if there is any reason for contending that the improvements before the reservations are located, are not private property, there will be none afterwards.

The Constitution of the United States, in limiting the powers of the General Government, in relation to the public domain, is too explicit to admit of doubt. It is that "Congress shall have power to dispose of, and make all needful rules and regulations respecting the territory or other property of the United States."

When these lands are sold or disposed of its authority ceases, and it has no more or greater power to regulate their future possession or punish for breach of peace than any other land holders. The government may make a Contract with our Citizens, conferring what title it chooses, but the contract is to be enforced and the title protected, by the Courts, and not by its own direct action. One hundred years might with equal propriety, have been inserted in the treaty, and there was the same authority for extending the power of removal, to subsequent purchasers that there was to the Indians.—

That the Indians within the limits of this State are citizens thereof and subject to its laws, in every respect, cannot be questioned, at least by the General government. The Treaty with these people is nothing more than a contract with so many citizens of Alabama.—

Suppose an agreement had been entered into with eight hundredth citizens of the County of Montgomery, acting for themselves and also as the agents of one hundred of their neighbors, by which the government, besides conveying to each 640 acres of land, had stipulated to remove by force, for five years, all persons who might intrude upon any of these lands. It is quite apparent that such stipulation, as well as any attempt to carry it into effect, would be an unwarrantable interference with matters which can be regulated alone by the laws of the State, and a palpable encroach

-ment upon its jurisdiction. And yet this case is precisely similar in principle to the one under consideration.

If the general government have the right to regulate the Conduct of our people in relation to their land, if it can lightfully expel a citizen who trespasses upon the lands of persons of his neighbor, by the summary interposition of a military guard without even the forms of military investigation, what is to restrain it from the exercise of the same power in relation to trespasses upon personal property? From this the transition would be easy to the taking Cognizance of all irregularities, misdemeanors and Crimes, the right to punish which, has heretofore been considered as belonging exclusively to the State tribunals. If, by the treaty making power, the ordinary operation of our laws, upon the persons and property of our citizens can be suspended, as will be the case if the 5th article of the treaty is executed in the mode prescribed in your late order to the Marshal, the whole field of State jurisdiction may be considered as occupied; and State sovereignty, the reserved Rights of the States, &c, are but unmeaning sounds, totally unworthy of serious consideration.

I know that these terms are used by many as mere cant expressions, and that they have been brought into disrepute by the extravagant pretensions and absurd doctrines of a Sister State; but they imply things that are still worth preserving, and as long as the blessings of this Union are justly appreciated, they will command the best and highest exertions of the patriot. It is often difficult to trace, with precise accuracy, the boundary which separates the jurisdiction of the State and federal governments. We can at all times, however, determine nearly where it lies. But this treaty is for giving it a new direction. It crosses the line designated in the Constitution, at right angles, and runs into the very heart and centre of our domestic concerns.

But, Sir, there is an other view of this subject, which will expose it in a light still more glaring, the utter incompatibility of this treaty with the jurisdictive rights of the State of Alabama.

As before observed, the right of extending our laws over the country from which our people are ordered to be expelled, is admitted to the fullest extent. This necessarily implies the right of employing the means that are indispensable to its exercise. What are these means? As enumerated in the Constitution of this State and the laws made in pursuance thereof, they are, that the state shall be laid off into Counties, and convenient circuits, that the Circuit Courts shall be held in each County at least twice in every year, that the Counties shall be divided into small districts, in each of which there shall be appointed two justices of the peace and two Constables, that there shall be, in each Circuit a Judge of the

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Circuit Court, who shall reside in his Circuit, that there shall be for each County, a judge of the County Court, that there shall be also, in each County, a Sheriff, Clerks of the Circuit and County Courts, a Coroner, Notaries publics, Commissioners of Roads and Revenue, &c.; and that there shall be summoned, previous to every Circuit Court, a Competent Number of Grand and petit jurors, and a like number of petit jurors for the County Courts. All these ministers of our Laws are required to reside in the Counties to which their offices belong. These are the ordinary means by which our State government is put in operation, and effect given to our laws. And yet the late instructions to the Marshal, absolutely prohibit the use of any of them.

"The general government has not only admitted the right of Alabama to extend her jurisdiction over the Ceded territory, but it has invited and encouraged such extension by Sundry documents to which it is unnecessary to refer. No sooner however, is the Country organized and the necessary steps taken to this end than an armed force is Collected on the banks of Chatahoochee, for the purpose of expelling, from this large and flourishing Section of the State, all "White persons," including of Course, all Civil officers and other persons whose agency is necessary to the execution of our laws. We will have no power to punish any offences committed by the Indians, or to subject them in any respect to the restraints of the law, because our Courts will have been suspended in all the Counties in which they reside. Now Sir, if your order be carried into effect, will not an instance have occurred in our Country, and the first instance, too, of the government of a State being put down and destroyed, in nine of its Counties, by Military force? will not the alarming spectacle be exhibited of the laws of one of the States of this Union, in their Ordinary operation, being Compelled to yield in a time of profound Peace, to the dominion of the sword to give way to the Capricious will of a Deputy Marshal, whose favorite modes of punishment seem to be the conflagration of dwellings and the application of the bayonet.

I Respectfully request that this project, so fatal in its tendency to civic liberty, and so directly subversive of the acknowledged rights and sovereignty of the State of Alabama, be abandoned I protest against it as an unconstitutional interference with our local and internal affairs, and as a measure of revolting injustice and oppression towards that portion of our inhabitants who have not injured the Indians. Put away, Sir, the sword which has been unnecessarily and too hastily drawn against this large and unoffending community. It is the appropriate arbiter in Contests of Ambition, but not in questions of Constitutional right. It is not to be forgotten,

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that the American people, on a recent occasion, pronounced emphatically, that questions of jurisdiction between the foreign and domestic branches of our government, are to be settled by the tribunals which the Constitution vests with the power of expounding the laws. To these tribunals I appeal on behalf of the good people of this State.

Very respectfully
I have the honor to be, Sir,
Your obedient Servant,
(signed) John Gayle

Hon: Lewis Cass, Secretary of War,
Washington City.

Copy of a letter from his Excellency Governor Gayle to Elijah Hitzclaw esq: in relation to the settlers on the Creek lands, dated

Tuskaloosa
29th August 1833.

Sir

Your letter of the 9th instant was rec'd by the mail of yesterday. I have to request that you will inform those in whose behalf you write, that I do not recognize any authority in the Marshal or the troops placed under his direction, to settle disputes between our White and Indian Citizens. It is a mode of proceeding unknown to our Constitution & laws, and I shall take early and effectual steps to prevent its continuance. The President has no disposition to inconvenience our Citizens, and I am confident that he will direct the troops to be withdrawn, as soon as the Remonstrance I am preparing reaches him, while it is my purpose to resort to all proper means for the protection of our Citizens in that quarter, I must enjoin it on them to conduct themselves in a peaceable and orderly manner so that no pretext or excuse will be afforded the Marshal for his violent and illegal course.

I am Sir Respectfully
Yr. obt. Servt.
(signed) John Gayle

Elijah Hitzclaw esq:
West Point
Georgia

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Copy of a letter from Governor Gayle to Edward Curry esqr in relation to the difficulties on the Creek Lands dated

Tuskaloosa
20th August 1833.

Sir

Your letter of the 29th ult. has been received, and would have been answered at an earlier period, but for my absence from the Seat of Government, when it came to this Post office. I had heard of the irregularities of the U. States Troops, placed under the direction of the Marshal for the protection of the Indians, in their locations; but was persuaded that the accounts I had received were exaggerated, and that there would be no necessity to provide for the security of our citizens, further than to give effect and operation to our laws.

I am now satisfied that these irregularities have been carried to an excess, requiring their suppression, and to that end I shall, by the first mail, ask the Secretary of War, to cause the troops to be withdrawn. I have the utmost confidence in the disposition of the President to do nothing that would subject our people to inconvenience; and I am fully persuaded that my remonstrance will accomplish for them, all they desire. They may rest assured, that I do not recognize any authority in the Marshal to settle disputes between our white and Indian population, touching contracts which they may have entered into among themselves, or to decide on titles to property, from whatever source they may have originated. Our Courts and our laws are amply sufficient for all these purposes. I shall expect, on the part of our Citizens in that quarter, that they will conduct themselves in a peaceable and orderly manner, so that no pretext will be afforded for the violent conduct of the Marshal, or the troops. I have understood that several instances of ill-treatment to the Indians have occurred, but I presume they have proceeded from a Class of the population that infest all New Countries, and are alike regardless of the laws and the good order of society. As the conduct of these men will, in some degree, be relied on by the Marshal, for a justification of himself, should his proceedings become the subject of investigation, it is obvious that it will behove all who desire the protection of the State authorities and laws to discountenance their lawless course and even to protect the Indians in their just rights. —

I am Sir very respectfully
Your obt. Servt
(signed) John Gayle

Edwd Curry esqr.

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Copy of a letter from Governor Gayle to Lieut. Thomas Woodward in relation to the settlers on the Creek lands, dated

Tuskaloosa

20th August 1833.

Sir

I have received your letter of the 13th instant, and in reply, have to state, that I do not recognize any authority in the Marshal, or the U. States troops, to settle disputes between our white and Indian Citizens.- It is a mode of proceeding not authorized by our Constitution and laws and I shall take early and effectual means to put a stop to its continuance. I am fully persuaded that the President has no disposition to incommode our citizens, and I feel assured that he will direct a withdrawal of the troops, as soon as my Remonstrance reaches him, which will be dispatched by the first mail.

In the meantime, I must enjoin it upon our citizens not to resort to any unlawful acts, and that they will so conduct themselves as to take from the Marshal all excuse for the violent course which, it seems he has been pursuing.

I am Sir Respectfully

Your obt Servt

(signed) John Gayle

Lieut Th. J Woodward

Polecat Spring

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Copy of a letter from Governor Gayle to the Hon: Thomas S. Martin Judge of the County Court of Russel County, in relation to the settlers on the Creek lands, dated

Tuskaloosa

24th September 1833.

Dear Sir

I received by this evening's mail, your letter of the 19th inst. I have no authority to give directions to the tax Collector of your County, by which his duties can be dispensed with. The law alone must be looked to as the guide for all officers charged with the collection of the revenue.

If, under the late order of the Secretary of War, the people are destined to be driven out of the Country, it is natural for them to feel that it is unjust to be taxed, as other citizens, residing in other Sections of the State. In this event, I have no doubt that the Legislature would view with indulgence any partial failure to collect the Taxes, produced by the peculiar situation of the people, and by the disposition of the Collector to mitigate the troubles and difficulties, in which they seem likely to be involved.

The direction of the Government to remove our whole white population from the Counties of the Creek Nation, is a measure of severity that could not have been anticipated. It was not called for, and cannot be justified, by any thing that has occurred. I am fully persuaded that it is the result of false and improper information, communicated to the President, and I am not without hope of receiving, in a few days, intelligence that the Settlers will be permitted to remain.

The killing of Owen is an outrage that must not go unpunished. It is such a prostration of our laws, and such an instance of unbridled licentiousness and cruelty (if I have been correctly informed) in the Soldiers of the United States, as cannot fail to be marked by the prompt reprobation of all good men; and all our Civic officers, in that quarter, should be vigilant and persevering in their efforts to bring the offenders to justice

You say that you cannot identify the person who actually committed the murder. All who were present, encouraging, aiding and abetting in the offence, are equally guilty with the individual who shot Owen, and are liable to be prosecuted. At least they should be arrested in the first instance, and it would be proper, and I think advisable, the proper affidavit being made, to issue your Warrant for the apprehension of Certain persons whose names are unknown, calling themselves Soldiers of the United States." The Commanding officer, as appears by a statement in

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the Globe, has been instructed, to afford to our Civil authorities, all proper facilities for putting the Case in a train for legal investigation, and doubtless upon the respectful demand of the Sheriff, the detachment or those present at the killing of Owen, would be placed in his custody. Should these facilities be refused, it is desirable that the Sheriff make a Statement in writing under oath, & that it be transmitted to me without delay.

I am Sir with great respect
Your obt. Servt
(Signed) John Gayle

Hon: Thomas Sullivan
Judge of Rusel County.

Copy of a proclamation by Governor Gayle to the Citizens of the Counties situated in the Creek Nation, in relation to the late disturbances among the Settlers and the United States troops. dated 7th October 1833.

A proclamation by the Governor, to the Citizens of the counties situated in the Creek Nation.

The Secretary of War, by direction of the President of the United States, has instructed the Marshal of the Southern District of Alabama, to remove all white persons from the territory ceded by the Creek Indians, by the treaty of March 1832, which territory is composed of the Counties of Benton, Talladega, Randolph, Coosa, Tallapoosa, Chambers, Russell and Macon. These Counties have been established and organized by the General Assembly, in conformity with the views and policy of the Federal Government, and in pursuance of the Constitution of this State.

The order, if executed, will result in a destruction of property belonging to the inhabitants of these Counties, to an almost incalculable amount, and inflict upon them other great and irreparable injuries, not less calamitous than those which would mark the invasion of a public enemy.

By virtue of this treaty, the government of the United States have renounced the right of removing, by an armed force, not only all persons who have settled upon the public lands, but those also who, in the opinion of its agents, have committed trespasses upon the improvements of the Indians, which are their private property, thereby undertaking, without any lawful authority, and in violation of our common Constitution, to regulate matters which belong exclusively to the laws and Tribunals of this State.

The order for the removal of the Settlers, must necessarily be attended with the expulsion of all our Civil officers, the Suppression of our Courts, and, in fact, the destruction of the State Government, throughout the Counties.

The right of jurisdiction being admitted, the right to use the means that are indispensable to its exercise, attaches as a necessary consequence; and yet a Military force is displayed upon our borders to render inoperative all the measures which have been adopted by the State Government for the extension and enforcement of its laws.

The Course which the General Government has adopted, and is now pursuing is a palpable and indefensible invasion of the acknowledged rights of this State, and, in its tendency utterly subversive of our free and happy form of Government.

There are now thirty thousand of our people alarmed at the horrors of Starvation on one side, and of Military execution on the other. In this hour of their afflictions, I Recommend to them to look with abiding and undoubting confidence to the majesty of the Law. It will Cover them over with a Shield impenetrable to the Sword and the bayonet.

X In order, therefore, that the laws may be "faithfully executed", by virtue of the power and authority, in me vested, I hereby require and exhort all Civil officers in the Counties aforesaid, to be attentive to the Complaints of the people, upon whom any Crime or Crimes may be committed, or upon whom or whose property there may exist well founded apprehensions, that Crimes are intended to be committed; by issuing all such Warrants and other process as may be necessary to bring offenders to Justice, particularly such as are guilty of Murder, false imprisonment, house burning, Robbery, forcible entries and such like heinous offences.

And all good Citizens are required, when duly and legally called upon, to aid and assist in the execution of all such process as may be issued by the Competent authorities, and according to the laws of the land. And furthermore, it is enjoined upon the Citizens in the Counties aforesaid, to yield a ready obedience to all precepts and process that may issue from the courts of the United States and of this State, and especially to abstain from all acts of unlawful violence, particularly towards the Indians, who being ignorant of our laws, & of their rights, should be taught to look up to their more intelligent neighbors for information and protection. Given under my hand and the Seal of the State, at Tuskaloosa, this 7th day of October in the year of our Lord 1833 and of the Independence of the United States of America the fifty eighth.